

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AMERICAN FEDERATION OF STATE  
COUNTY AND MUNICIPAL  
EMPLOYEES, DISTRICT COUNCIL 47  
HEALTH AND WELFARE FUND, et al.**

**Plaintiff,**

v.

**ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC., et al.**

**Defendants.**

**CIVIL ACTION  
No. 08-cv-5904**

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**ORDER**

**AND NOW**, this 11<sup>th</sup> day of March 2010, upon consideration of Defendants' Motion to Dismiss [docket entry No. 14]; Plaintiffs' Answer to Defendants' Motion to Dismiss [docket entry Nos. 15 and 16]; and Defendants' Reply [docket entry No. 19], and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**. Defendants' Motion to Dismiss Plaintiffs' **COUNTS I** and **IV** is **DENIED**. Defendants' Motion to Dismiss Plaintiffs' **COUNTS II** and **III** is **GRANTED**. **Counts II and III** are hereby **DISMISSED**.

It is so **ORDERED**.

**BY THE COURT:**

  
**CYNTHIA M. RUFÉ, J.**